



3

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

John BOBO et al.

Group Art Unit: 1614

Application No.: 10/024,143

Filed: December 21, 2001

Docket No.: 108774

For: BIOCOMPATIBLE POLYMERS AND ADHESIVES: COMPOSITIONS, METHODS
OF MAKING AND USES RELATED THERETO**PETITION UNDER 37 C.F.R. §1.47(a)**Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231**RECEIVED**

JUN 18 2002

OFFICE OF PETITIONS

Sir:

Pursuant to 37 C.F.R. §1.47(a), this Petition is filed to request acceptance and examination of the above-identified application without the signatures on the Declaration of two of the eight co-inventors. Attached hereto is a Declaration of Debra L. Pawl, Esquire, supporting the Petition Under 37 C.F.R. §1.47(a), that includes the facts summarized below relating to the refusal of two co-inventors to sign the Declaration for this application.

The last known addresses of the non-signatory co-inventors are: 1) J. Christopher Marmo, 39 Green Gables Ct., Danville, California, 94506, and 2) Scott Marc Cannizzaro, 3131 Walnut Street, Philadelphia, Pennsylvania, 19104.

I. Background

The present application, U.S. Application Serial No. 10/024,143, was filed on December 21, 2001, in the U.S. Patent and Trademark Office without an executed Declaration. A Notice to File Missing Parts was received and a response, including a

Declaration signed by six of the eight co-inventors, and on behalf of the non-signing inventors, is being filed herewith.

II. Statement of Facts

Co-inventors J. Christopher Marmo and Scott Marc Cannizzaro were individually presented with the complete application (including the specification and claims) and a U.S. Declaration. Individually, Mr. Cannizzaro and Mr. Marmo expressly refused to execute the Declaration unless the other six co-inventors were removed as inventors. The complete application was presented by Ms. Pawl, oral acknowledgement of receipt of the complete application and Declaration was received by Ms. Pawl, and the express oral refusal to sign the Declaration was given directly to Ms. Pawl.

Mr. Marmo and Mr. Cannizzaro individually acknowledged that they had received and reviewed the complete application at approximately 4:00 p.m. EST in a June 6, 2002, telephone conference among Ms. Pawl, Mr. Marmo and Mr. Cannizzaro.

Mr. Marmo's and Mr. Cannizzaro's express oral refusals occurred at approximately ; 12:00 noon EST in a June 14, 2002, telephone conference among Ms. Pawl, Mr. Marmo and Mr. Cannizzaro. At the time of the June 14 telephone conference, Mr. Marmo and Mr. Cannizzaro had had several months to consider the complete application. The facts relied upon to establish Mr. Marmo's and Mr. Cannizzaro's refusals are set forth in the enclosed Declaration Under 37 C.F.R. §1.47(a), executed by Ms. Pawl.

III. Actions Requested

Diligent efforts to obtain Mr. Marmo's and Mr. Cannizzaro's voluntary execution of the required Declaration Under 37 C.F.R. §1.63 have failed. Both Mr. Marmo and Mr. Cannizzaro have individually expressly refused to execute the Declaration.

In view of the foregoing, it is respectfully submitted that the requirements of 37 C.F.R. §1.47(a) have been satisfied. Specifically, the following requirements have been